IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 8037 of 2001

Between:

1 A. Siva Reddy son of Bheemanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
2 K.Chinna Reddy son of K.Buddanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
3 C.Chinna Ramulu son of Chinna Bheem
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
4 T. Bheem Reddy son of Nardanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
5 Bheem Reddy son of Huzuranna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
6 M.Sai Reddy son of Bheemanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
7 B.Venkataramana son of Hanumanthuna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
8 C.Muneppa son of C.Chinna Hanumanthu
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
9 Mohan son of Bheemanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
10 Bheem Reddy son of Hanumaiah
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
11 HMR Samuel son of Ratnaiah
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
12 D.Ayyanna son of Savarappa
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
13 Rajanna son of Ayyanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
14 Hanumanthu son of K.Palenna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
15 A.Ayyanna son of Hanumanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
16 Yesupu son of Deddanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
17 T.Ranganna son of Bheemanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
18 Ramulu son of Ayyanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District

19 Krishnaiah son of Pochanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
20 Nallaiah son of Pedda Laxmanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
21 D.Venkanna son of Buddanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
22 Tammanna son of Ayyanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
23 Chakali Ranganna son of Budda Chinnaiah
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
24 Telugu Thammanna son of Hanumanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
25 D.Venkataiah son of Malla Reddy
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
26 Telugu Narsappa son of Hanumanthu
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
27 Kavali Hanumanna son of Kavali Thippanna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
28 Ayyanna son of P.Hanumanthu
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
29 R.Anjaneyulu son of Eswaranna
Revulapalli Village, Dharoor Mandal Mahaboobnagar District
30 Venkataiah son of Hanumanthu
Revulapalli Village, Dharoor Mandal Mahaboobnagar District

... PETITIONERS

AND

1 The Secretary, Irrigation (Project Wing) CD, Government of AP.,
Secretariat Building, Hyderabad.
2 The Chief Engineer, Major Irrigation ,Irram Manzial, Hyderabad
3 The District Collector, Mahaboobnagar, Mahaboobnagar District
4 The Sub-Collector, Gadwal, Mahaboobnagar District
5 The Superintending Engineer, PJP,. Gadwal, Mahaboobnagar Dist
6 The Executive Eggineer, LAR division PJP, Gadwal, Mahboobnagar District.
7 The Executive Engineer, Dam Division
No I, PJP, Revulapalli, Dharoor Mandal Mahaboobnagar Dist

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in not initiating acquisition proceedings under the Land Acquisition Act in respect of the lands and structures belonging to the petitioners situated in Revulapalli Village, hamlet of Chintarevula, Dharoor Mandal, Mahboobnagar Dist, as arbitrary, illegal and violative of Articles 14, 21 and 300-A of the Constitution of India and further direct the authorities to initiate proceedings under the Land Acquisition Act forthwith and also rehabilitate the petitioners in the adjacent villages as per the proposals submitted in Lr No. B/3124/99 dated 7/12/99.

Counsel for the Petitioners: MR.A.NARASIMHA REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following order:

ORDER:

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All the petitioners, who are agriculturists and residents of Revulapalli Village, Dharoor Mandal, Mahaboobnagar District, seek a Writ of Mandamus declaring the action of the respondent authorities in not initiating acquisition proceedings under the Land Acquisition Act in respect of the lands and structures belonging to them situated at Revulapalli village as arbitrary and violative of Articles 14, 21 and
300-A of the Constitution of India and further direct the authorities to initiate proceedings under the Land Acquisition Act as per the proposals submitted by the Mandal Revenue Officer, Dharoor Mandal, vide Lr.No.B/3124/99 dated 07.12.1999 to the Assistant Collector, Gadwal.

I have perused the report submitted by the Mandal Revenue Officer dated 07.12.1999. No doubt, the MRO stated that he has inspected nearly 70% of the houses in the village and found that the houses are in dilapidated condition and could not be repaired and some of the houses are collapsed and damaged in 1998 heavy rains. The village site is not healthy and favourable for living purpose. It is stated that already Ac.5-90 cents of land has been acquired for house sites and also an extent Ac.12.00 cents was to be acquired to rehabilitate the entire families of the village. The village was not actually coming into submergence by back of the project and hence the village was not required for compulsory acquisition by Project authorities. The village has fallen at downward of the project. However, whatever the loss done to the village in recent years was done due to the construction of project only. The said MRO was of the opinion that it is essential to acquire the village site and shift Revulapalli immediately in view of the public safety and to save the properties from the damages expected.

Counter has been filed on behalf of the respondents stating that Revulapalli village is located on the right bank of Krishna River
500 meters away and down stream of Priyadarshini Jurala Project Dam. It is stated that all the allegations made by the petitioners that their houses collapsed due to the seepage of water from the project is incorrect. Pursuant to the representations made by the petitioners

and in view of report submitted by the MRO, the first respondent herein requested the Chief Engineer, Major Irrigation and Special Collector, Srisailam Project, Kurnool to inspect the village and submit a report. Accordingly, the Engineer-in-Chief (Major Irrigation) and Special Collector inspected the village on 16.09.2001 and submitted a report stating that there was no damage being caused due to seepage of the Project Dam water. The report further states that the ground water table was also not being improved due to the construction of the Priyadarshini Jurala Project and as such there cannot be any damage to the houses as contended by the petitioners. Pursuant to the report submitted by the Chief Engineer, Major Irrigation and Special Collector, the first respondent himself being the Secretary to Irrigation and Command Area Development department, personally inspected the village on 16.08.2002 and observed that there was no damage caused to the houses of the petitioners and there was no seepage of water in Revulapalli village due to the construction of the said project.

In view of the aforesaid denial of the averments made in the report submitted by the concerned authorities, I am of view that these disputed questions of fact cannot be decided in a writ petition and no direction can be issued to initiate land acquisition proceedings. However, it is open for the petitioners to file a civil suit and show that there is damage to their houses by reason of construction of the said project contemplating the acquisition of the land and their properties.

Accordingly, the writ petition is dismissed with a liberty to the petitioners to file a civil suit. No costs.

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V. ESWARAIAH

March 2, 2005

Dsk

To

1 The Secretary, Irrigation (Project Wing) CD, Government of Andhra Pradesh Secretariat Building, Hyderabad.
2 The Chief Engineer, Major Irrigation ,Irram Manzil, Hyderabad
3 The District Collector, Mahaboobnagar, Mahaboobnagar District
4 The Sub-Collector, Gadwal, Mahaboobnagar District
5 The Superintending Engineer, PJP,. Gadwal, Mahaboobnagar Dist
6 The Executive Eggineer, LAR division, PJP, Gadwal, Mahboobnagar Dist
7 The Executive Engineer, Dam Division, No I, PJP, Revulapalli, Dharoor

Mandal Mahaboobnagar Dist

8 Two CCs to GP For Land Acquisition, High Court Buildings, Hyderabad

(OUT)

9 Two CD Copies